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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

AZADPOUR,

No. C05-04087 MJJ

Plaintiff,

**ORDER TO SHOW CAUSE**

v.

SUN MICROSYSTEMS, INC. ET AL,

Defendant.

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On January 30, 2006 the Court issued an order denying Plaintiff's motion to remand this action to state court. The Court determined that it had subject matter jurisdiction based upon Plaintiff's employment benefits claims pursuant to ERISA. Subsequently, Plaintiff voluntarily withdrew all of his employment benefits claims. Accordingly, it does not appear that the Court has jurisdiction over the instant matter.

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1 If at any time the court determines that it is without subject matter jurisdiction, the action  
2 *shall* be remanded to state court. 28 U.S.C. § 1447(c). The party seeking removal bears the burden  
3 of showing the propriety of removal. *Emrich v. Touche Ross & Co.*, 846 F.2d 1190, 1195 (9th Cir.  
4 1988). There is a strong presumption against the assumption of removal jurisdiction by federal  
5 courts. *Gaus v. Miles, Inc.*, 980 F.2d 564, 566 (9th Cir. 1992). Accordingly, federal jurisdiction  
6 must be rejected if there is any doubt as to the right of removal. *Id.*

7 Accordingly, Defendants are hereby **ORDERED** to show cause, in three pages or less, by  
8 **May 9, 2006**, why this case should not be remanded to state court.

9  
10 **IT IS SO ORDERED.**

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13 Dated: May 3, 2006



MARTIN J. JENKINS  
UNITED STATES DISTRICT JUDGE